

Attachment #1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA, ET AL.)

Plaintiffs,)

v.)

THE BOARD OF COUNTY COMMISSIONERS,)
HAMILTON COUNTY, OHIO)

Defendants.)

Case No. 1:02cv00107

(Consol. with C-1-02-108 and
C-1-02-135)

Judge Arthur J. Spiegel

Magistrate Judge Timothy S. Hogan

THIRD DECLARATION OF PATRICK T. KARNEY, P.E., DEE

I, Patrick T. Karney, state and declare as follows::

1. I am over 18 years of age and am competent to testify regarding the following:
2. I am currently a Professional Engineer (P.E.) and a Diplomate Environmental Engineer (DEE), an internationally recognized credential that is accepted in the engineering profession as the hallmark of premier environmental engineers.
3. I am also the director of the Metropolitan Sewer District of Greater Cincinnati in Cincinnati, Ohio ("MSD").
4. After the draft proposed Global Consent Decree was submitted to the Court on October 7, 2003, MSD set out to raise public awareness of its terms and seek comments from the local community and MSD's stakeholders. As part of this process, MSD used a local public relations firm, Dan Pinger Public Relations, Inc., to assist in the creation of a

public outreach program, utilizing local media to publicize both the Decree's terms and the public's opportunity to submit questions or comments.

5. MSD hosted five separate community meetings, including three meetings for the general public and two meetings targeted at public officials and MSD contractors, to educate the public about the Consent Decree and to provide community members with the opportunity to ask questions and submit formal comments for consideration.
6. In an effort to reach across the community, meetings were held at three different locations in Hamilton County. North College Hill was selected for the western area of MSD's service area, Lockland was selected as a central location, and Blue Ash was selected for the eastern area. The specific meeting locations, times and dates were as follows:

Friday, October 18, 11:00 a.m. to 1:00 p.m.
Blue Ash Municipal Building and Safety Center, Council Chambers
4343 Cooper Road, Blue Ash 45242
(Public Meeting)

Monday, October 20, 5:30 to 7:30 p.m.
North College Hill Junior/Senior High Cafeteria
1620 W. Galbraith Rd., Cincinnati 45231
(Public Meeting)

Monday, October 27, 5:30 to 7:30 p.m.
Lockland Municipal Building Recreation Center
101 North Cooper Ave., Lockland 45215
(Public Meeting)

Thursday, October 30, 2:30 to 4:30 p.m. and 5:30 to 7:30 p.m.
Lockland Municipal Building Recreation Center
101 North Cooper Ave., Lockland 45215
(Meeting for MSD contractors and stakeholders)

7. In order to publicize these meetings on the Consent Decree, MSD undertook the following activities:

- ❑ MSD held a press briefing on Tuesday, October 7 at 2:30 p.m. to inform the media about the Global Consent Decree, its purpose, and the review process, as well as to announce the planned community meetings. WKRC (Ch. 12), WCPO (Ch. 9), WLWT (Ch. 5), WLW-FM, WVXU-FM and the *Cincinnati Enquirer* attended this initial briefing. MSD continued to promote the community meetings through local TV and radio, sending media alerts prior to each meeting to local media outlets. Three radio stations (WLW, WVXU and WNKU) interviewed me to publicize the community meetings. A Summary of Media Coverage is attached hereto as Exhibit A.
- ❑ MSD promoted these community meetings in the print media. MSD also arranged to have notices of the meetings included in local newspapers' calendars of events. Sample copies of these newspaper articles are attached hereto as Exhibit B, and also are included in the Summary of Media Coverage at Exhibit A.
- ❑ MSD sent informational letters to 131 public officials and 50 community council members of townships and municipalities located throughout Hamilton County. Focused on the Decree, the letters also outlined the community meeting schedule.
- ❑ MSD mailed invitations to the October 30 information meetings to 893 MSD contractors and stakeholders as well as to 194 public officials.
- ❑ MSD posted information about the Global Consent Decree on its Web site. This information included a copy of the Decree, a fact sheet, a glossary of terms, the schedule of community meetings and an e-mail link through which questions and comments could be submitted directly to MSD.
- ❑ The City of Cincinnati and Hamilton County posted the schedule of community meetings on their Web sites. The link posted on Hamilton County's Web site connected visitors directly to the MSD site.
- ❑ A video of the October 20 community meeting was aired on CitiCable 13 times (See attached Summary of Media Coverage at Exhibit A).

8. At each community meeting, I delivered an opening presentation with a PowerPoint slide show that focused on the Global Consent Decree; its purpose; the programs outlined by the Decree; the cost of the Decree programs and its potential impact on ratepayers; and, the comment, review and approval process. MSD accepted written and verbal questions after my presentation where my staff or I attempted to answer every question asked. Afterwards, an open house was held during which attendees could speak personally with and ask questions of MSD personnel in an informal setting.

9. Two information displays were set up at each meeting highlighting key information about the Decree, SSO, CSO and WIB issues. A Global Consent Decree fact sheet (which is attached hereto as Exhibit C), a glossary of terms, a brochure on CSOs, and digital and printed copies of the Global Consent Decree were available as handouts. A sign language interpreter and Spanish interpreter were available at each meeting to accommodate those residents with special needs.
10. In addition to supplying information on the Global Consent Decree, the community meetings were designed to provide information on how individuals could submit comments on the Decree. Upon entering each meeting, attendees were asked to sign in and were also given a comment sheet, which is attached hereto as Exhibit D. Attendees were instructed to take the comment sheet with them and to use it to submit questions or comments, either that evening or at a later date. They were encouraged to take the sheets home with them so that if a question or comment came up later, they could write it down and send in their thoughts. An address detailing where to send written comments was printed on the sheet.
11. A question card, which is attached hereto as Exhibit E, and a pencil were placed at each seat for people to write down questions during the presentation. Following my initial presentation, we gathered all of the question cards and my staff and I attempted to answer them in an open forum. These questions and answers were then submitted to both the County Commissioners and the City Council before they voted to approve the Global Consent Decree. People were also given the opportunity to ask questions verbally if they preferred to do so. Thirty-two members of the community attended the first public meeting in Blue Ash and submitted eighteen questions on the Decree. Thirteen members

of the community attended the second public meeting in North College Hill and submitted eight questions on the Decree. Eight members of the community attended the third public meeting in Lockland and submitted seven questions on the Decree.

12. There was a slide in my presentation that provided a mailing address, an e-mail address and phone number through which people could ask questions or submit formal written comments. The fact sheet also provided a phone number and an e-mail address to submit comments, as well as an information board. We also set up a dedicated e-mail address on MSD's web site through which questions could be submitted immediately. My presentation also included details on the process by which the City and the County will approve the Global Consent Decree.

13. Finally, one of the information boards invited attendees to submit written comments to:

www.msdbg.org
Carol Walker
(513) 244-1313

14. Similarly, several of the newspaper articles informed residents that they could express their opinion by sending e-mail to MSD or calling the above-referenced telephone number. Examples of these articles are attached hereto as Exhibit B. Sierra Club members, including Marilyn Wall and Albert Slap, attended each of the three community meetings. Copies of the attendance lists are attached hereto as Exhibit F.

15. In addition to the 3 community outreach meetings identified in ¶ 5, MSD also gave a separate presentation on the Global Consent Decree to the City of Cincinnati's Neighborhood and Public Services Committee on November 18. MSD answered several questions from community members who attended the meeting. Sierra Club presented their comments on the Global Consent Decree at this meeting. The City recorded the meeting and the video of the meeting was subsequently aired on CitiCable five times.

See attached Summary of Media Coverage at Exhibit A. In addition, City Council Member Y. Laketa Cole notified numerous concerned citizens about the City meetings on the Global Consent Decree by mail, a copy of which is attached hereto as Exhibit G.

16. In addition to the public meetings identified in ¶¶ 5 and 15, MSD delivered a presentation on the Global Consent Decree at a formal public hearing held by the Hamilton County Board of County Commissioners ("BoCC") on November 19, 2003. The County Commissioners allowed several members of the community to offer verbal comments on the Decree. This County meeting was aired live and at several additional times throughout the week. See attached Summary of Media Coverage at Exhibit A.
17. According to the normal rules at BoCC public hearings, individuals are provided with 3-minute time blocks to ask questions or to present their viewpoints on the issue of the day. At the November 19 hearing, three Sierra Club members presented comments on the Consent Decree. A fourth Sierra Club member was in attendance, and was offered the opportunity to speak, but declined. Following the Sierra Club comments, I was asked by the BoCC to respond to these comments. Commissioner Dowlin, as president of the Board, presided and provided the Sierra Club members in attendance with the opportunity to present rebuttal comments to my presentation, which they again declined. I do not recall that any party asked to show a video at the BoCC hearing on November 19, 2003.
18. It is my understanding that Sierra Club undertook extensive lobbying efforts against the Global Consent Decree with both the City Council and the BoCC. Sierra Club faxed their comments directly to the City Council and the County Commissioners on November 14, 2003.

19. In addition to the meetings identified in ¶¶ 5, 15, and 16, MSD also delivered a presentation on the Global Consent Decree at a public hearing held by the City of Cincinnati on November 20, 2003. Sierra Club also presented their comments on the Global Consent Decree at this meeting. The City recorded the meeting and a video of the City's public hearing was aired on CitiCable 10 times. See attached Summary of Media Coverage at Exhibit A.
20. In addition to the meetings identified in ¶¶ 5, 15, 16, and 19, the City and County each held public votes on November 26, 2003, to approve the Global Consent Decree. Sierra Club again presented their comments on the Global Consent Decree at these meetings. The City Council and the BoCC unanimously approved the Global Consent Decree.

I swear under the penalty of perjury that the foregoing is true to the best of my knowledge and belief.

Executed on this day the 5th of December 2003.

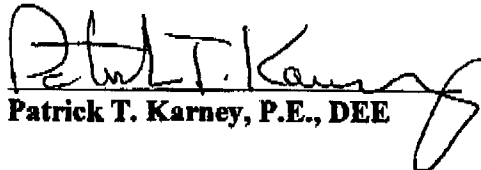

Patrick T. Karney, P.E., DEE

Exhibit A

Summary of Media Coverage

The following is a summary of media coverage tracked for MSD's community information meetings. Pre-event coverage was requested in order to notify the public of the three community meetings to learn more about the Global Consent Decree. Media outlets, including television, print and radio, were contacted by phone and e-mail to arrange coverage and interviews, and media alerts and reminders were distributed on October 15, 19 and 26 to television and radio. Results, including 29 media hits and 29 broadcasts of the public meetings and hearings, are as follows:

Date	Time	Media Outlet	Notes
October 7	n/a	<i>Cincinnati Enquirer</i>	MSD presents Decree to City and County for review; includes schedule of community meetings
October 16	n/a	<i>Cincinnati Enquirer</i>	Community Agenda section. All three meetings' details posted.
October 16	n/a	<i>Community Press East and West</i>	East and West newspapers were scheduled to run meeting notices. Notices confirmed in several papers
October 17	9-9:30 a.m.	WLW-AM	Live interview with Mike McConnell for Pat Karney.
October 17	Air time not confirmed	WNKU-FM	Taped interview with Pat Karney.
October 17	Air time not confirmed	WVXU-FM	Scheduled taped interview for Pat Karney.
October 17	5:00 a.m.	5 WLWT (NBC)	Public meeting at Blue Ash Municipal Building mentioned. (47 seconds)
October 17	5:00 a.m.	12 WKRC (CBS)	Public meeting at Blue Ash Municipal Building mentioned. (38 seconds)
October 18	n/a	<i>Cincinnati Enquirer</i>	Regional Report section reported on the Blue Ash meeting, included the dates and times for the next meetings, and gave the email address and telephone number for residents to submit comments.
October 20	5:00 a.m.	5 WLWT (NBC)	Public meeting at North College Hill mentioned. (28 seconds)
October 20	6:00 a.m.	12 WKRC (CBS)	Sewage meeting teaser. (18 seconds)
October 20	6:00 a.m.	12 WKRC (CBS)	Public meeting at North College Hill mentioned. (40 seconds)
October 25	n/a	<i>Cincinnati Enquirer</i>	A brief ran in the Regional Report of the Metro section, highlighting the Lockland Municipal Building community meeting.
October 27	5:00 a.m.	5 WLWT (NBC)	Public meeting at Lockland Municipal Building

Date	Time	Media Outlet	Notes
			mentioned. (26 seconds)
October 27	6:00 a.m.	5 WLWT (NBC)	Public meeting at Lockland Municipal Building mentioned. (28 seconds)
November 7	2:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 8	1:07 a.m. 8:07 a.m. 11:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 9	1:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 10	2:07 p.m. 10:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 11	12:07 a.m. 11:07 a.m. 8:07 p.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 12	11:07 p.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 15	6:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 16	2:07 a.m.	CitiCable	Broadcast of the 10/20 community meeting held at North College Hill Junior/Senior High School
November 18	11:00 a.m. 7:00 p.m.	CitiCable	Broadcast of the 11/18 Neighborhood and Public Services committee meeting on the Consent Decree
November 19	12:00 a.m.	CitiCable	Broadcast of the 11/18 Neighborhood and Public Services committee meeting on the Consent Decree
November 19	10:00 a.m.	Cable	Broadcast of the 11/19 Hamilton County public hearing on the Consent Decree. Hearing was broadcast again at different times in local communities, but times weren't tracked
November 21	11:00 p.m.	CitiCable	Broadcast of the 11/18 Neighborhood and Public Services committee meeting on the Consent Decree
November 21	1:00 p.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 22	10:00 a.m. 7:00 p.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 23	12:00 a.m.	CitiCable	Broadcast of the 11/18 Neighborhood and Public Services committee meeting on the Consent

Date	Time	Media Outlet	Notes
			Decree
November 23	12:00 p.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 24	1:00 p.m. 8:00 p.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 25	8:00 a.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 28	7:00 p.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 29	5:00 a.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree
November 30	1:00 a.m.	CitiCable	Broadcast of the 11/20 Neighborhood & Public Works Public Hearing on the MSD Global Consent Decree

Exhibit B

THE CINCINNATI ENQUIRER

METRO

Hometown

Ohio officials say many more students need to take advantage of free or reduced-cost breakfast programs, and more schools in Ohio need to offer them. **B3**

Good Things Happening

Three students save a woman in trouble.

Editorials: Our opinions and your letters, **B18-B19**
Today's weather: Complete details, **B20**

B

Editor: Richard J. Green Phone: (513) 768-6477

SATURDAY, OCTOBER 25, 2003

www.enquirer.com

Regional Report

Compiled from staff and wire reports

Open meeting on MSD consent decree

LOCKLAND - The Metropolitan Sewer District of Greater Cincinnati will hold its last community meeting regarding the Global Consent Decree from 5:30-7:30 p.m. Monday at the Lockland Municipal Building, Recreation Center at 101 N. Cooper Ave.

The program will provide an overview of the decree and how, if accepted, it will affect customers and the community's environmental health. Information: www.msdcg.org.

Wednesday, 10/16/03

THE CINCINNATI ENQUIRER

Deal promises relief from sewage floods

District would be responsible for cleanup, losses

By Cindi Andrews

The Cincinnati Enquirer

Chuck and Raymele Penley know what to do when their basement floods. After the sewage and storm water recede, they hose down the basement, then sling bleach and, finally, fire up the dehumidifier.

It's a routine they've got down pat after 25 years of living in a Delhi Township home that suffers sewage backups several times a year, Chuck Penley says. Twice — in May and in 1978 — the sewage has reached the ceiling of their basement.

The Penleys have always done

What's next

Oct. 17: Public hearing on proposed consent decree at Blue Ash Municipal Building, 11 a.m.-1 p.m.

Oct. 20: Public hearing on proposed consent decree at North College Hill Junior/Senior High School, 5:30-7:30 p.m.

Oct. 27: Public hearing on proposed consent decree at Lockland Municipal Building, 5:30-7:30 p.m.

Dec. 4: Deadline for consent decree to be approved by Cincinnati City Council and Hamilton County commissioners and final version filed in court.

their own cleanup and have always absorbed the costs of their property losses.

However, Hamilton County homeowners may soon be able to get the Metropolitan Sewer District to take care of both the clean-

up and the losses under a proposed agreement reached Tuesday between Hamilton County and state and federal environmental officials. This could

See **SEWAGE**, Page C5



The Cincinnati Enquirer/CRAIG RUTTLE

Almost 8 feet of sewage-tainted water filled Chuck and Raymele Penley's Delhi Township basement in May after a storm and sewer overflow. They cleaned it up themselves.

THE CINCINNATI ENQUIRER

METRO

Sewage: Decree promises relief from flooding

From Page C1

take effect Jan. 1.

The new approach to customer service is just one piece of a global consent decree developed to end pollution from MSD's aging sewage system into the county's streets, rivers and basements. Overall, implementation could cost \$1.5 billion over the next 19 years and triple sewer rates, MSD director Patrick Karney told the *Enquirer*.

Under other provisions of the decree, MSD also would:

- Improve the system so that sewage no longer backs into basements.

- Fix sewer overflows into streets and rivers by specific deadlines.

- Pay \$1.2 million to federal and state agencies for past violations of pollution laws.

- Spend \$5.3 million on environmental improvements to the Mill Creek and other areas, also as a punitive measure.

Approvals needed

Cincinnati City Council and Hamilton County commissioners must approve the decree before it's submitted to U.S. District Judge Arthur Spiegel in two months. The public will also get several chances to comment.

If Spiegel doesn't accept the consent decree, he could allow the Sierra Club to proceed with a lawsuit the group has filed against MSD.

"We feel very good about where we are right now, but we want to hear what everyone says," said Heather Lauer, a spokeswoman for the Ohio Environmental Protection Agency, which helped put together the consent decree.

One necessity the Sierra Club said the consent decree lacks is an independent oversight committee. However, it would add an ombudsman to handle customer complaints.

The Sierra Club applauded MSD for coming up with a plan to aid homeowners who experience

About the decree

Case history

1996: Metropolitan Sewer District and state and federal environmental agencies begin negotiating a consent decree to address illegal sewer overflows into streets and rivers.

February 2002: MSD and environmental officials sign an interim partial consent decree 59 days after the Sierra Club gives 60-day notice of its intent to sue over sewer overflows and backups. Two weeks later, Sierra Club sues anyway, saying the partial decree doesn't go far enough.

Sept. 3, 2003: U.S. District Judge Arthur Spiegel orders MSD to complete consent decree by Oct. 7, expressing "dismay at the delays."

Oct. 7: Proposed consent decree released.

To learn more:

The Metropolitan Sewer District plans to post the proposed consent decree online at www.msdbg.org.

basement flooding.

"This problem has been a threat to our health and safety for far too long," said Katie Danko, conservation organizer for the Sierra Club.

Under the decree, the customer service program would include a call center that's staffed 24/7 to take complaints and dispatch crews to flooded homes within four hours. If the crews were to decide the problem was MSD's fault, MSD would pay for cleanup and the residents could submit claims for documented damage.

However, Sierra Club official Marilyn Wall questioned on Tuesday how many backups MSD would be able to diagnose, noting that in the past crews have often been unable to get to flooded areas quickly enough.

Accustomed to sewage

The proposed changes are small consolation for the thou-



Enquirer file/ERNEST COLEMAN

Pants covered with mud sit in a basket as water covers the floor of the Penleys' basement after flooding in May. A consent decree, if approved, would end this type of flooding, but at a cost that might reach \$1.5 billion.

sands of Hamilton County residents who have already lost cars, family photos and appliances to sudden floods of raw sewage.

"It makes you sick," Chuck Penley said. "Now they're going to take responsibility for something that they should have taken responsibility for 25 years ago."

Penley tried to get help from MSD and Delhi Township when he first had flooding 2½ decades ago, but he eventually got tired of banging against that concrete wall, he said.

"I talked and talked and it didn't do any good, so I gave up," he said.

Instead, the family got used to

cleaning raw sewage. Then, about 18 months ago, Penley said, he spent nearly \$6,000 on improvements to his driveway and basement that were supposed to end flooding of his three-bedroom home on Rapid Run Pike.

The family put a 25-cubic-foot freezer in the basement and filled it with chicken, sides of beef and other food. They added shelves and began storing photos, baseball cards and yearbooks there.

They lost it all in a May flood that also flooded dozens of their neighbors' basements.

E-mail candrews@enquirer.com

Cirth Engr.

C8 THURSDAY, OCTOBER 16, 2003

C10 THURSDAY, OCTOBER 16, 2003

E

COMMUNITY AGENDA

◆ Events & happenings in your neighborhood ◆

Community Agenda runs Thursdays and Saturdays. Call 755-4140; fax 755-4150; or mail Community Agenda, *The Cincinnati Enquirer*, 7700 Service Center Drive, West Chester, OH 45069.

ice to older adults with an anniversary gala from 2 to 4 p.m. Sur

The event will feature "40 Years of Hits," a musical revue of the songs of the past four decades and a representative of the city of Cincinnati will pay tribute with special proclamation. Cake and refreshments will be served. RS Friday. Information and registration: 871-2090.

Your Town

Friendship Force to meet

CLIFTON - The Greater Cincinnati Friendship Force will meet at 6:30 p.m. Friday at Clifton United Methodist Church, 3416 Clifton Ave. The free program will feature speaker Lee Beach and Thanksgiving dinner for visiting Russian educators.

Visitors are welcome. Information: (859) 384-0072.

Craft boutique Saturday

MOUNT WASHINGTON - American Legion Auxiliary Unit 484 will hold its annual "Craft Boutique" from 9 a.m. to 3 p.m. Saturday at 1837 Sutton Ave. Admission is free. Lunch and a bake sale will be available.

Local crafters will have holiday items, pottery, jewelry and woodcrafts. Information: 231-3572.

Community sewer meetings

The Metropolitan Sewer District of Greater Cincinnati will provide an overview of the global consent decree and how, if accepted, it will affect customers and our community's environmental health at these community meetings:

Blue Ash: 11 a.m. to 1 p.m. Friday at the Blue Ash Municipal Building and Safety Center, Council Chambers, 4343 Cooper Road.

North College Hill: 5:30 to 7:30 p.m. Monday at North College Hill Junior Senior High School cafeteria, 1498 W. Galbraith Road (Entrance 15 or 17; handicap Entrance 20).

Lockland: 5:30 to 7:30 p.m. Oct.

27 at the Lockland Municipal Building Recreation Center, 101 N. Cooper Ave.

Information: www.msdcg.org.

Woman's Club donations

MADERA - The Madeira Woman's Club is collecting "T" things for the Interfaith Hospitality Network of Greater Cincinnati as a Make-A-Difference Day 2003 project. The Hospitality Network is dedicated to providing a shelter that allows fathers and older boys to be housed with the family unit.

The organization's Wish List included many items beginning with a "T," which led to the project's theme. Anyone wishing to donate towels, toothpaste, toothbrushes, toys or T-shirts can drop off items from 11 a.m. to 5 p.m. Wednesday through Saturday through Oct. 25 at the Clothes Closet, 7014 Miami Ave. Information: 793-6855.

Parenting skills class

MADISONVILLE - Catholic Social Services is offering "Discipline and Parenting Skills for Parents of 2- to 4-year-olds" from 6:45 to 8:30 p.m. Oct. 23 at The Children's Home, 5014 Madison Road. The program is designed to assist adults in helping their children and themselves through these important ages and stages with confidence.

Information and registration: 241-7745.

Retirement community gala

HYDE PARK - The Marjorie P. Lee Retirement Community, 3550 Shaw Ave., will celebrate 40 years of serv-

Fitness run and walk

SILVERTON - The Avondale Running Club will present "Feet in Street," a 2.5-mile fitness run/walk, at 9 a.m. Saturday, beginning and ending at the Marva Colli International Boarding School, 1 Belkenton Ave. Proceeds will go to the school.

Day-of-event registration is 7:45 to 8:45 a.m. The entry fee is \$15, which includes T-shirts and water they last. All registered participants will receive a finisher's award. Refreshments will be served after the event. Information: 761-6605.

Ghost stories by the ca

CHILLO - The Clermont County Park District will host an evening of ghost stories and folk songs from 6 p.m. Saturday at C Lock Park No. 34. The evening campfire will feature Steve Foston, a local musician, performing acoustic folk songs, and Cle County historian Rick Crawford reading a few haunted tales from local County.

Bring a chair and some blankets. Chillo Lock is on U.S. 40. Information: 876-9013.

Daybook

Today

■ **Anderson Township**: Trustees' meeting, 7:00 p.m., 7954 Beechmont.

■ **Blue Ash**: City Council meeting, 7:00 p.m., 4343 Cooper Road.

■ **Evanston**: Community Council meeting, 7:30 p.m., 3204 Woodburn.

■ **Madisonville**: Community Council meeting, 7:30 p.m., 3204 Woodburn.

Former Hamilton High coach suing to get job back

By Sue Kierewalter

tion contract and the contracts of classroom at all this year


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Saturday, October 18, 2003

Regional Report

Compiled from staff and wire reports

Sewer fix debated at public forum

BLUE ASH - It'll be up to the Hamilton County commissioners whether to pay for damages caused by sewage flooding before Jan. 1, Metropolitan Sewer District Director Patrick Karney said Friday.

He spoke at the first public hearing on a \$1.5 billion proposal to fix Hamilton County's sewers and avoid a Sierra Club lawsuit.

A legal agreement unveiled last week calls for a new customer service program and reimbursement of damages caused when sewers back up into basements. Neither would take place until January, but commissioners could allow claims for earlier damages, Karney said.

The next hearing will be from 5:30-7:30 p.m. Monday in the cafeteria of North College Hill Junior/Senior High School, 1498 W. Galbraith Road. Residents can also express their opinion by sending an e-mail via MSD's Web site, www.msdbg.org, or calling 244-1313.

Packaging employees arrested for drugs

MASON - Five Portion Pac, Inc. employees have been arrested for drug trafficking at the manufacturing and packaging company.

Paul Hoffman III of Columbia Township was charged with trafficking OxyContin. Kenneth Lewis of Lebanon, Shawn Jackson of Middletown and Craig Burk of Hamilton were charged with trafficking marijuana. Sean Redman of Lebanon was charged with trafficking marijuana, Xanax and Vicodin.

The arrests, made Thursday, came after a four-month investigation by the Warren-Clinton Drug Task Force. Officials at Portion Pac had asked law enforcement to start the investigation.

Latest

Updated E

AP TOP HEADLINE NEV

- [Productivity Data Pro Stocks](#)
- [Iraqis to Form Anti-G](#)
- [Scott Peterson Plead: Murder](#)
- [Coroner: Ohio Man's Homicide](#)
- [Briton Charged With I Bomber](#)
- [Fair Trial for Moussac](#)
- [Bush Signs Bill to Cu Threat](#)
- [Alleged Cannibal: Vic Die](#)
- [Gwyneth Paltrow Exp Child](#)
- [Virginia Tech's Jones NFL](#)

Search
Survey

Men sue archdiocese for allowing abuse

Five men claimed in a lawsuit Friday that the Archdiocese of Cincinnati failed to stop an abusive priest from repeatedly molesting them when they were altar boys in the 1950s and 1960s.

The suit, filed in Hamilton County Common Pleas Court, accuses Rev. John Berning of sexually abusing children at the Our Lady of Perpetual Help and Saint Margaret of Carтона parishes.

The archdiocese has acknowledged it recently received complaints about Berning's past behavior, but church officials have said they are not aware of abuse reports from the 1950s or 1960s.

The lawsuit, however, claims at least one of the alleged victims reported the abuse to his parents 40 years ago, and that his parents complained to the archdiocese.

Father faces charge of DUI after car chase

HILLSBORO, Ohio - A Hillsboro man is facing charges after police say he drove drunk and led them on a pursuit with his 2-year-old daughter in the car.

Jeffrey L. Garen, 35, is charged with driving under the influence, failure to comply with a police officer's order and child endangerment.

The incident began about 7:15 p.m. Tuesday when officials from a day-care center notified authorities that a man had picked up his child and was possibly drunk.

Deputies spotted the suspect's vehicle about 2 a.m. and a pursuit began. The suspect led officers on a chase through Pike and Highland counties, deputies said. Deputies finally stopped the vehicle by shooting out two of its tires.

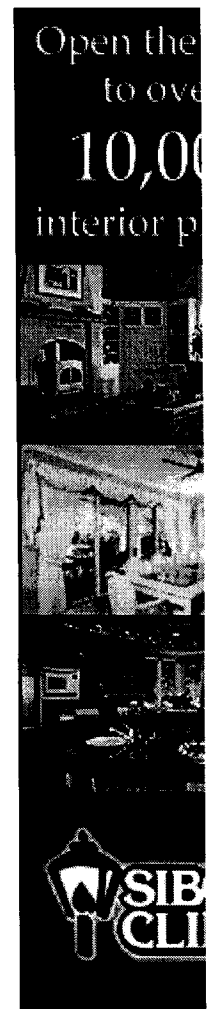
The 2-year-old was found safe inside the vehicle and there were no injuries, deputies said.

Shawnee State faculty have new contract

PORTSMOUTH, Ohio - Shawnee State University's board of trustees on Friday ratified a three-year contract with the school's faculty, concluding a four-month effort to work out the new agreement.

The Shawnee Education Association, which represents faculty at the four-year school, ratified the contract on Oct. 9.

The deal gives faculty members pay increases of 4.5 percent



or \$1,300 in the first year, 4 percent or \$1,300 in the second year and 4 percent or \$1,300 in the third year. Faculty members are to receive the greater of the percentage increase or the \$1,300 raise, university officials said.

The last contract expired at the end of August. A federal mediator sat in on the contract talks beginning in June.

Police search for car dealer's robbers

MONROE - Police are trying to find two men who robbed an auto dealership clerk, pistol-whipped her, then led her boyfriend and police on a chase Friday afternoon.

Around 2:45 p.m., two masked men dressed in black entered Auto Credit in the 5000 block of Hamilton-Middletown Road and demanded money. The frightened woman tried to flee, but the robbers grabbed her and wrapped duct tape around her eyes and wrists, said Sgt. Brian Curlis. The men also tried to disable the telephone, but inadvertently hit the redial button, placing a call to the woman's boyfriend.

The boyfriend followed the suspects' vehicle, but lost sight of the black Chevrolet Corsica or Lumina on Yankee Road.

TALL STACKS

Photo gallery

On the Delta Queen, history takes its time

Calliopes blast out that shrill, sweet song

Three boats boast authentic calliopes

Timeline of the early calliope

Tall Stacks hits high note with music performers, fans

Family troupe tells slaves' life

Daily schedule

Riverboat crowd swoons over Elvis

Civil War recruiters at work

Honeymooners revel in romance of river

Lavish ships with luscious edibles

NKU troupe dances below Newport levee

To artists, bridge just far enough

It's no easy ride for busy boat staff

TOP STORIES

Theft suspect dies in struggle with van owner

Coyne can run, but not serve

City's new riverfront becomes visible

IN THE TRISTATE

Ballpark eatery falls silent

Sharonville pool to include flume slides

Montgomery event honors its international residents

Family agency votes to strike

Regional Report

Exhibit C



Metropolitan Sewer District of Greater Cincinnati

GLOBAL CONSENT DECREE

Fact Sheet

BACKGROUND

Under the Clean Water Act, cities are required to reduce and - in some cases - stop releases of untreated wastewater into the environment through combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). These requirements apply to every wastewater system in the country and have dramatic implications for systems in older Northeastern and Midwestern communities such as Cincinnati, which have significant SSO and CSO occurrences.

Because resolving CSOs and SSOs is a long-term project and can be very expensive, the Metropolitan Sewer District of Greater Cincinnati (MSD) began negotiating with the U.S. Environmental Protection Agency (EPA), the U.S. Department of Justice (DOJ) and the State of Ohio in 1997 to develop a response program that would be recognized and supported by the government, but also would be affordable for local ratepayers. This process has resulted in two decrees, the Interim Partial Consent Decree and the Global Consent Decree.

THE DECREES

The first decree, the Interim Partial Consent Decree, was accepted by the DOJ, EPA and the State of Ohio in February 2002. A draft of the second decree, the Global Consent Decree, is currently under review. Both are discussed below.

Interim Partial Consent Decree

The Interim Partial Consent Decree outlines a plan through which MSD will eventually eliminate sanitary sewer overflows (SSOs) within MSD's service area. Under this plan, MSD must:

- Eliminate the 17 most active SSOs by the end of 2007
- Develop a detailed plan to resolve remaining SSOs by 2022 (since 1992, MSD has already eliminated 62 SSOs; approximately 90 SSOs, including the 17 most active, remain)
- Develop a computer-based model of MSD's sewer system to help better determine current capacity limits and prepare for future needs
- Build a temporary treatment facility to reduce the number of discharges from SSO 700, the system's largest SSO, while a permanent solution is planned and implemented

Global Consent Decree

The draft Global Consent Decree focuses on combined sewer overflows (CSOs) and the implementation of the SSO correction plan established in the Interim Partial Consent Decree. It also includes a program to address and resolve Water-In-Basement (WIB) issues. Under the Global Consent Decree, MSD will:

- Complete 23 pre-identified projects to reduce CSO discharges
- Update and implement MSD's combined sewer overflow Long Term Control Plan (LTCP) to include comprehensive water quality testing, innovative water quality modeling, a cost/benefit study of possible options for correcting CSOs, a public review of proposed solutions and implementation of the selected measures
- Implement enhanced CSO control, response and public notification measures
- Invest \$5.3 million in local environmental enhancement projects
- Pay \$1.2 million in fines to federal and state agencies for past SSO and CSO discharges

Water-In-Basement (WIB) Response Program

MSD's ultimate goal is no more basement back-ups. The WIB program outlined in the draft Global Consent Decree will provide much-needed relief for those who experience these problems. The program includes:

- A new process to help MSD respond quickly to customer calls
- The addition of customer service and on-site representatives who would give one-on-one assistance to customers experiencing WIB issues and help them with clean-up and claims
- A clean-up service through which MSD would remove standing water and debris from homes and disinfect and deodorize affected areas
- Reimbursements for property damages, up to a set amount and subject to certain legal conditions
- Installation of WIB prevention measures such as backflow prevention devices and isolation pumps for the short term and increased system capacity for the long term

POTENTIAL COSTS

If approved by Hamilton County, the City of Cincinnati and the United States District Court for the Southern District of Ohio, Western Division, costs for the Global Consent Decree program would be capped at \$1.5 billion across a period of 19 years. The actual cost of the program will depend on the correction measures that are ultimately selected to address WIBs, CSOs and SSOs. If costs must exceed the spending cap, MSD will have additional time to complete the program after 2022.

IMPACT ON RATEPAYERS

To help pay for the sewer system improvements, service rate increases will be necessary. It is currently anticipated that rates will increase by nine percent next year, and additional increases can be expected in the following years. However, before being implemented, all rate increases must first be approved by the Hamilton County Board of Commissioners. MSD will work to minimize costs to ratepayers as much as possible by aggressively pursuing state and federal loans and grants, and the development of a national trust fund to help communities like ours pay the increasing costs of improving their sewer systems and meeting new federal regulations.

APPROVAL PROCESS TIMELINE

February 2002	The Interim Partial Consent Decree was accepted by state and federal governments and lodged with the court
October 7, 2003	The draft Global Consent Decree was presented to the court
October 7 – December 4, 2003	Draft Global Consent Decree is available for public review and comment; Hamilton County and City of Cincinnati will review Decree and public comments, and consider any potential changes*
December 4, 2003	Draft Global Consent Decree will be lodged with the United States District Court for the Southern District of Ohio, Western Division
December – mid 2004	Court to review and approve* Global Consent Decree

** Any revisions made to the draft Global Consent Decree during the review period will be subject to further negotiation with the Ohio Environmental Protection Agency, U.S. Environmental Protection Agency, U.S. Department of Justice and Ohio River Valley Water Sanitation Commission (ORSANCO).*

FOR MORE INFORMATION

The draft Global Consent Decree and additional information materials are posted on MSD's Web site, at **www.msdbg.org**. Comments and questions can be submitted through that site. For further assistance, please contact Carol L. Walker by phone at (513) 244-1313 or by e-mail at carol.walker@cincinnati-oh.gov.



Metropolitan Sewer District of Greater Cincinnati

SCHEDULE OF COMMUNITY MEETINGS for the Global Consent Decree

As part of the public review process for the Global Consent Decree, the Metropolitan Sewer District of Greater Cincinnati (MSD) is hosting the following community meetings. At these meetings, MSD will provide an overview of the Global Consent Decree and how, if accepted, it will affect MSD customers and our community's environmental health. Participants will have the opportunity to ask questions and offer their comments. Comments received by the public will influence Hamilton County's and the City of Cincinnati's decision to accept the Decree as currently proposed or to incorporate revisions prior to its submission to the United States District Court for the Southern District of Ohio, Western Division, on December 4, 2003.

Friday, October 17

11 a.m. – 1:00 p.m.

Blue Ash Municipal Building and Safety Center
Council Chambers
4343 Cooper Road, Blue Ash

Monday, October 20

5:30 p.m. – 7:30 p.m.

North College Hill City Schools
Junior/Senior High School Cafeteria
(Bldg. entrance 15 or 17; handicap entrance 20)
1498 West Galbraith Road, Cincinnati

Monday, October 27

5:30 p.m. – 7:30 p.m.

Lockland Municipal Building
Recreation Center
101 North Cooper Avenue, Lockland

Exhibit D



**COMMUNITY MEETING
METROPOLITAN SEWER DISTRICT
October 2003**

We welcome your comments on the MSD consent decree.

As part of the public review process for the Global Consent Decree, MSD will provide an overview of the Decree and how, if accepted, it will affect customers and our community's environmental health. Any comments you offer will be considered by Hamilton County and the City of Cincinnati prior to the Decree's submission to the US District Court for the Southern District of Ohio, Western Division on Dec. 4, 2003.

The Global Consent Decree outlines a strategy and timeline for the remediation of Combined Sewer Overflows (CSOs) and Sanitary Sewer Overflows (SSOs) and includes a comprehensive Water-In-Basement (WIB) response program for Metropolitan Sewer District of Greater Cincinnati (MSD) customers.

My comments are as follows: (Please use back side of this sheet if necessary)

Would you like a written response to your comments? If so, please include your contact information:

Name:

Address:

City:

State:

Zip:

Written comments may be submitted this evening in person or by mail no later than Wednesday, November 5, 2003. Please mail comments to:

**Carol Walker, Assistant to the Director
Metropolitan Sewer District
1600 Gest St., Cincinnati, OH 45202**

Exhibit E



**COMMUNITY MEETING
METROPOLITAN SEWER DISTRICT
October 2003**

We welcome your questions on MSD's consent decree

One or more presentations will be given tonight. If you would like a verbal response to your question as part of this presentation, please submit your question on this card.

My question is as follows:

Please submit this card to a member of the Project Team after you have written down your question.



**COMMUNITY MEETING
METROPOLITAN SEWER DISTRICT
October 2003**

We welcome your questions on MSD's consent decree

One or more presentations will be given tonight. If you would like a verbal response to your question as part of this presentation, please submit your question on this card.

My question is as follows:

Please submit this card to a member of the Project Team after you have written down your question.

Exhibit F



MSD COMMUNITY MEETINGS
SIGN IN SHEET

DATE: October 18, 11am-1pm

LOCATION: Blue Ash Municipal
Building

	NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1	Ron Bernard	4629 1/2 4641 Hunters	984-5634	
2	Wm BENNETT	8161 JORDAN	941-3576	
3	John Bennett	11326 Tenney Valley	489-8309	
4	Al Hoffman	11346 Janellyn Valley	489-6833	
5	Jonna Schetz (signature)	455 BEACH TREE DR	761-7761	Tr: StateTwp@ciind.tn.com
6	Patricia Brechlin	6330 Pauls Ridge Dayton	(937) 436-1768	
7	John West	5006 Oakwood		
8	Tina Koch	4512 Palms Ct	613 732-7449	tkoch@bunwell.com
9	Monica Noel Mack	7114 Northfield Pl	793-5482	
10	MIKE COLEMAN	43443 Cooper Rd.	795-8522	MColeman@BlueAsh
11	NORMA ROX	6049 KENNEDY	631-6899	
12	Jim Kelley	8170 Margaret Ln	793-1803	
13	KEITH C OAKS	1853 VERNON Route	829-6152	KEITHRO@fuse.net



MSD COMMUNITY MEETINGS
SIGN IN SHEET

DATE: October 18, 11am - 1pm

LOCATION: Blue Ash Municipal Bldg.
Council Chambers

	NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1	Steve Dossert	3674 Federated Blvd	614-410-3078	sdossert@broadcald.com
2	Laura Porter	801 Plum St 11607 Rich Rd 16000 Green St.	352-3341	
3	Ralph Johnstone		557-7154	
4	Pete Caldwell	818 Shume Trace A.D. Ctr	931-4538	
5	Maudlin Hall	816 Van Ness Dr	771-5087	callm1132@fuse.net
6	JEFF OLSEN	1251 KOPPER MEMOR	851-9774	jolsen@questpro.com
7	SHERMAN SIEGAL		(937) 865-0725	
8	FRANK DURAN	3928 Hawk Road	513 554-8555	frank.duran@chm.com
9	Susan Miers	11500 Northman Suite 115	913 789-5004	susanmiers@zone.com
10	Peg Chandler	5723 Hickory Mill Ln Bridgton	513 784-0100 x112	pegchandler@chm.com
11	Don & Kathi Culbert	300 E. Business Hwy	513 489-6777	donkathiculbert@blm.com
12	George Vila	MSD	557-7105	
13	John Kennedy - Duke Realty	4555 Lake Forest Dr. Suite 400	956-4468	john.kennedy@duker Realty.com

Cincinnati, OH 45242



MSD COMMUNITY MEETINGS
SIGN IN SHEET

DATE: Oct. 18, 11am - 1pm

LOCATION: Blue Ash Municipal Bldg.
Council Chambers

	NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1	Koree L MATRE	841 Wmthrop Dr		KMATRE@mta.com
2	M. Schallert M. Schallert	11347 Breunlich Valley Ln.		
3	Cindi Andrews	312 Elm		
4	J. T. O'Leary	24 JEWETT YS 205	7619392	joleary@att.net
5				
6				
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8				
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13				



**MSD COMMUNITY MEETINGS
SIGN IN SHEET**

DATE: Oct. 18, 11am - 1pm

LOCATION: *Platteau Municipal Bldg.
Council Chambers*

	NAME <i>Please Print</i>	ADDRESS	PHONE #	E-MAIL ADDRESS
1	MARY HENSEL	8800 MONTGOMERY	791-1420	
2				
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13				



MSD COMMUNITY MEETINGS
SIGN IN SHEET

DATE: October 20 5:30-7:30pm

LOCATION: North College Hill City School
Junior/Senior Cafeteria

	NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1	Mike & Sherry Leopold	6788 Richard Ave	521-5795	leopoldspmt@rodigy.net
2	John Bollinger	5626 Sprucewood	741-3078	johnbollinger@fuse.net
3	Sheila Davis	6449 Hamilton Ave.	522-5172	NA
4	Claire Stadelberg	1480 Kalamazoo	931-9536	—
5	James Harris	1484 Chaucer	729-1250	
6	Gary Gasmik	6695 Tamar Dr	522-8338	
7	Katie Danko	515 Wyoming Ave	741-4003	Katie.danko@seetel.us
8	Robert Taylor	11876 Elkwood Dr	742-8947	randstaylor@juno.com
9	James & Gloria Mosley	1277 Alderwood	931-9576	
10	Pick Nick	11263 Haines Rd	674-9174	nick@questcom.com
11				
12				
13				



MSD COMMUNITY MEETINGS
SIGN IN SHEET

DATE: Oct. 20 5:30-7:30pm

LOCATION: North College Hill Schools
Junior/Senior High cafeteria

	NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1	Blaine S. Moore	4219 Harrison Ave 45211	245 1478	blaine@msd.com
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				



Meeting Sign In
 CONSENT DECREE REQUEST

DATE: October 27, 2003
 5:30-7:30 PM

LOCATION: Bayland Municipal
 Recreation Center

NAME Please Print	ADDRESS	PHONE #	E-MAIL ADDRESS
1 JARLETT Menden	6018 WINE ST 45246	235-5447	
2 JANEY Philpot	4285703 Cedar	242-0552	
3 JENNY Schatz (signature)	455 Beechtree Dr	761-7761	
4 Debra Schwaier	6914 Grace Ave	5974018	
5 Albert Slope	20 Esie Ave	771-7800	albertslope@sigplaw.com
6 L Murlene Muro	617 Clivian Sping	221-6114	clmuro@fuse.net
7 Anne Mosen	2859 Quaker 4534	4816058	
8 Rich Cogen	4480 Cassie Drive	460-3365	
9 David Morris	36 Lhuar St	981-7231	
10			
11			
12			
13			

Exhibit G

DEC-04-2003 15:27 FROM:MSD

5132441399

TO:RightFax

P.006/012

City of Cincinnati



Y. Laketa Cole
Council Member

City Hall, Room 346A
801 Plum Street
Cincinnati, Ohio 45202-1979
Phone (513) 352-3466
Fax (513) 352-3957
Email laketa.cole@cincinnati-oh.gov

November 3, 2003

COMMITTEES

Vice-Chair

Neighborhood & Public Services

Member

Board of Education Cooperative
Affairs Subcommittee

Community Development &
Intergovernmental Committee

Laws & Public Safety

Dear Concerned Citizen:

I am writing to you today to share some good news about getting help for your flooding problems. On October 8th, the Metropolitan Sewer District revealed a draft of a court ordered Global Consent Decree in which they outline the steps they will take to correct the gross failures of our city's sewer system.

The fixes will include making it easier to be reimbursed by the Sewer District for damages caused by basement flooding, better customer service -- including help cleaning up flood damage, and short-term flooding solutions that include installation of isolation pumps. I have attached a summary of the Consent Decree for your convenience.

Citizens have a chance to give their input as to what changes they would like to see included in the Consent Decree until December 4th, 2003. On December 4th, the city and county must submit and sign a final draft of the Consent Decree to the federal judge overseeing the process.

To make it easier to get your input, the City's Neighborhoods and Public Services Committee has scheduled two public hearing dates. The first will be at the Neighborhood & Public Services Committee regular meeting in Council Chambers at City Hall on Tuesday, November 18th at 11:00 am. The second public hearing date is scheduled to be held at the North Avondale Community Center, 617 Clinton Springs Ave., on Thursday, November 20th at 7:00 pm.

It's important that we get your input so that we can make changes for December 4th. I sincerely hope to see you there, but you are always free to call my office at 352-3466 to give your input if you can't make it to one of the meetings.

Sincerely,

Councilmember Laketa Cole